

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 20-cr-260-NEB-KMM

Plaintiff,

v.

ORDER

JORGE MAGANA-PINEDA,

Defendant.

This matter is before the Court on the parties' motions for discovery and disclosure. On December 23, 2020, based on the parties' written submissions, the Court determined that a hearing was unnecessary. ECF No. 19. The Court now enters the following Order.

1. The Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3 and 26.2 (ECF No. 10).

The government seeks discovery and disclosure pursuant to several provisions in the Federal Rules of Criminal Procedure. Mr. Magana-Pineda does not oppose the motion. The motion is **GRANTED** to the extent that Mr. Magana-Pineda must provide discovery and disclosure as required by the Rules. The government also seeks a deadline for expert disclosures. The government shall make any expert disclosures **at least 30 days prior to trial**. Mr. Magana-Pineda shall make his expert disclosures **at least 14 days prior to trial**.

2. Mr. Magana-Pineda's Motion for Discovery (ECF No. 19).

Mr. Magana-Pineda asks the Court to order the government to disclose certain categories of information. The government does not object to the motion to the extent Mr. Magana-Pineda seeks information that is discoverable under the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). However, the government objects to the motion to the extent it would require disclosure beyond that contemplated by the Rules and the case law, early disclosure of Jencks Act material, or trial exhibit and witness lists. The motion for discovery is **GRANTED** to the extent it seeks discovery and disclosure as required by the Federal Rules of Criminal Procedure, the relevant case law, and other applicable authority. Early disclosure

of Jencks Act material is not required by this Order. However, the Court notes that the government represents it will voluntarily disclose Jencks materials three days prior to trial. The Court appreciates the government's willingness to make such early disclosures and encourages the government to disclose Jencks material even sooner to avoid unnecessary delays and to ensure the defense has adequate time to prepare for trial. Disclosure of exhibit and witness lists will be addressed by the District Court in any pretrial order. The parties shall follow the expert-disclosure schedule established in Paragraph 1 of this Order.

Date: March 9, 2021

s/ Katherine Menendez
Katherine Menendez
United States Magistrate Judge